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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
NALVEN, ANDREW L	
ART UNIT	PAPER NUMBER
2134	8

DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/657,759	BARTON ET AL.	
	Examiner	Art Unit	
	Andrew L Nalven	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-78* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-78* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4,7*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-78 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 37 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner was unable to find the teachings regarding "sending the locked specific copy of the application program and specific conduit data from the user to the software supplier" within the specification.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-13, 19-24, 26-43, 50-78 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-49 of U.S. Patent No. 6,658,567. Although the conflicting claims are not identical, they are not patentably distinct from each other because they differ only in the definition of the data to be analyzed: "conduit data" in the present application and "geological data" in the cited patent. The information contained in "conduit data" and "geological data" are dissimilar; however, the environments of the inventions are analogous. Further, the claims of the present application and the cited patent are directed towards the locking of data to a specific analyzer program and do not introduce limitations unique to a particular type of data. Thus, the identified claims are not patentably distinct from the cited prior art.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 4, 7-9, 11-13, 19-24, 26-28, 31-35, 40-43, 50-51, 53-66, 69, 72-74, 76-78 are rejected under 35 U.S.C. 102(e) as being anticipated by Graunke et al US Patent No 5,991,399. Graunke teaches a system for securely distributing a private key to a trusted entity.

8. With regards to claims 1, 21, 28, 50, 56, 61 and 66, Graunke teaches the generating of a first key and associating the first key with both specific conduit data and a specific copy of an analyzer program (Graunke, column 8 lines 19-28 first key viewed as "asymmetric private key" from line 26), and generating gatekeeper logic that utilizes the first key to prevent the specific copy of the analyzer program from analyzing conduit data other than the specific conduit data (Graunke, column 8 lines 32-66).

9. With regards to claims 4, 51, and 69, Graunke teaches the associating of the first key with specific conduit data including generating a second key utilizing the first key and a characteristic value for a characteristic parameter representative of a characteristic of the specific conduit data (Graunke, column 8 lines 13-16 and lines 18-28, 2nd key viewed as "symmetric key" from line 23) and associating the second key with the specific conduit data (Graunke, column 8 lines 21-22).

10. With regards to claims 7, 23-24, 54, and 72, Graunke teaches the associating of the first key with a specific copy of the analyzer program including compiling the specific copy of the analyzer program to incorporate the first key (Graunke, column 8 lines 24-34).

11. With regards to claims 8 and 73, Graunke teaches the generating of gatekeeper logic including associating the gatekeeper logic with the specific copy of the analyzer program (Graunke, column 7 lines 28-40).

12. With regards to claims 9, 22, 53 and 74, Graunke teaches that associating gatekeeper logic with the specific copy of the analyzer program includes compiling the specific copy of the analyzer program to incorporate gatekeeper logic (Graunke, column 8 lines 32-49, column 7 lines 8-15).

13. With regards to claims 11, 55, and 76, Graunke teaches a user of the analyzer program supplying the specific conduit data to a supplier of the analyzer program (Graunke, column 8 lines 10-18, column 6 lines 17-35) and a locking of the specific conduit data to the specific copy of the analyzer program occurs on a computer system of the supplier (Graunke, column 7 lines 16-40).

14. With regards to claims 12 and 77, Graunke teaches the supplier providing the locked specific conduit data and the specific copy of the analyzer program to the user (Graunke, column 6 lines 22-45).

15. With regards to claims 13 and 78, Graunke teaches the supplier of the program supplying a locking logic and a copy of the program to the user (Graunke, column 6 lines 36-37, column 3 line 61 – column 4 line 7) and the locking of the data to the copy of the program occurring on a computer system of the user utilizing the supplied locking logic and the supplied program (Graunke, column 7 lines 40-46 and column 8 lines 32-46).

16. With regards to claims 19, 57, 59 and 62, Graunke teaches the determining of a first key associated with a specific copy of an analyzer program (Graunke, column 8 lines 19-28), determining a second key associated with specific conduit data (Graunke, column 8 lines 13-16 and lines 18-28), determining a characteristic parameter representative of a characteristic of the specific conduit data (Graunke, column 8 line 16), deriving a gate key utilizing the second key and the characteristic parameter (Graunke, column 8 lines 13-28 "asymmetric public key"), and allowing execution of the specific copy of the analyzer program to analyze the specific conduit data if the gate key corresponds to the first key (Graunke, column 8 lines 61-66).

17. With regards to claims 20, 58, 60, and 63, Graunke teaches the determining of a first key associated with a specific copy of an analyzer program (Graunke, column 8 lines 19-28), determining a second key associated with specific conduit data (Graunke, column 8 lines 13-16 and lines 18-28), determining a characteristic parameter representative of a characteristic of the specific conduit data (Graunke, column 8 line 16), deriving a gate key utilizing the second key and the characteristic parameter (Graunke, column 8 lines 13-28 "asymmetric public key"), and allowing execution of the specific copy of the analyzer program to analyze the specific conduit data if the gate key corresponds to the second key (Graunke, column 8 lines 61-66).

18. With regards to claims 26, 40 and 64, Graunke teaches the providing of a user of the analyzer program with a specific copy of the analyzer program (Graunke, column 6 lines 36-37), providing the user of the analyzer program with locking logic that locks the specific copy of the analyzer program to selected conduit data utilizing at least the first

key (Graunke, column 3 line 61 – column 4 line 7), and providing the user of the analyzer program with gatekeeper logic that allows the specific copy of the analyzer program to analyze only selected conduit data utilizing at least the first key (Graunke, column 4 lines 6-7).

19. With regards to claims 27 and 65, Graunke teaches the locking of a specific copy of the application program to specific conduit data so that the specific copy of the application program is able to access only the specific conduit data (Graunke, column 3 line 61 – column 4 line 7) and distributing the locked specific copy of the application program and specific conduit data to a user (Graunke, column 6 lines 28-37).

20. With regards to claim 31, Graunke teaches the locking of the specific copy of the application program to the specific conduit data including generating a second key that is associated with the specific conduit data (Graunke, column 8 lines 21-22) where the second key is generated using the first key and a first characteristic parameter representative of a characteristic of the specific conduit data (Graunke, column 8 lines 13-16 and lines 18-28).

21. With regards to claim 32, Graunke teaches locking the specific copy of the application program to the specific conduit data including generating a gatekeeper application that allows utilization of the specific copy of the application program when accessing the specific conduit data (Graunke, column 8 lines 10-46) and disallows utilization of the application program when accessing other conduit data (Graunke, column 8 lines 55-60).

22. With regards to claim 33, Graunke teaches locking the specific copy of the application program to the specific conduit data including compiling source code for the application program with the first key and the gatekeeper application into compiled object code for the specific copy of the application program (Graunke, column 7 lines 28-58).

23. With regards to claim 34, Graunke teaches distributing gatekeeper application to user (Graunke, column 8 lines 32-34) and the gatekeeper application accessing at least the first key for the purposes of allowing or disallowing utilization of the specific application program (Graunke, column 8 lines 61-66).

24. With regards to claim 35, Graunke teaches the gatekeeper determining a second characteristic parameter representative of the specific conduit data (Graunke, column 8 lines 15-17), generating a gate key utilizing the first key and the second characteristic parameter (Graunke, column 8 lines 13-31), and compares the gate key to the second key for the purposes of allowing or disallowing user utilization of the specific copy of the application program (Graunke, column 8 lines 32-46).

25. With regards to claim 41, Graunke teaches the purging of locking logic from a computer system subsequent to the locking of the specific copy of the application program to the specific conduit data (Graunke, Figure 5, column 9 line 17 – column 10 line 16).

26. With regards to claim 42, Graunke teaches the propagating of specific conduit data over a communications network (Graunke, Figure 2).

27. With regards to claim 43, Graunke teaches the supplying of the software supplier with a physical storage medium to store specific conduit data (Graunke, column 6 lines 28-33).

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

29. Claims 2-3, 29-30, 52, and 67-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graunke et al US Patent No 5,991,399 in view of Liu US Patent No 6,687,375. Graunke as described above, fails to teach generating keys in the form of random character or number sequences. Liu teaches the generation of keys using a random number generator (Liu, column 4 lines 48-52). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Liu's method of randomly generating keys because it offers the advantage of increasing the strength of encryption by using random keys that are hard to crack (Liu, column 1 lines 52 – column 2 lines 28).

30. Claims 5-6, 25, 36-39 and 70-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graunke et al US Patent No 5,991,399 in view of Thomlinson et al US Patent No 6,389,535.

31. With regards to claims 5 and 70, Graunke as described above fails to teach the regenerating of the second key utilizing the modified characteristic value responsive to the modification of the characteristic value. Thomlinson teaches the regenerating of an encryption key in response to the changing of a characteristic regarding a file (Thomlinson, column 10 lines 17-23). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Thomlinson's regeneration method because it offers the advantage of ensuring that data items don't need to be re-encrypted, but rather only the key needs to be encrypted again (Thomlinson, column 10 lines 20-23, column 2 lines 26-37).

32. With regards to claims 6, 25 and 71, Graunke as modified teaches the incorporating of the second key within a header of a data file including the specific conduit data (Thomlinson, column 9 line 63 - column 10 line 2). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Thomlinson's method of packaging the key in the header of the data file because it offers the advantage of increasing the simplicity with which applications can access encrypted data because the keys and encrypted data are stored together (Thomlinson, column 2 lines 17-25).

33. With regards to claim 36, Graunke as described above fails to teach the sending of the specific conduit data from the user to a software supplier and the software supplier executing locking logic. Thomlinson teaches the user sending specific conduit data to a software supplier so that the software supplier may execute the locking logic (Thomlinson, Figure 2, column 6 line 62 – column 7 line 6). At the time the invention

was made, it would have been obvious to a person of ordinary skill in the art to utilize Thomlinson's method of having a user send data to a software supplier to be locked because it offers the advantage of providing security for data secrets while minimizing the role of the user in the actual cryptographic operations (Thomlinson, column 1 lines 40-59).

34. With regards to claim 37, Graunke as modified teaches the sending of a locked specific copy of the application program and specific conduit data from the user to the software supplier (Thomlinson, column 10 lines 5-16).

35. With regards to claim 38, Graunke as modified teaches the propagating of specific conduit data over a communications network (Graunke, Figure 2).

36. With regards to claim 39, Graunke as modified teaches the supplying of the software supplier with a physical storage medium to store specific conduit data (Graunke, column 6 lines 28-33).

37. Claims 10 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graunke et al US Patent No 5,991,399 in view of Shambroom US Patent No 6,301,661. Graunke as described above fails to teach the Java programming language being used with the analyzer program. Shambroom teaches Java program code being downloaded and incorporated into a program (Shambroom, column 6 lines 42-46). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize Shambroom's method of using Java and Java Virtual Machines

because it offers the advantage of providing a "mobile code" technology that enables downloaded content to be platform independent (Shambroom, column 2 lines 8-24).

38. Claims 14-18 and 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graunke et al US Patent No 5,991,399 in view of Adams et al US Patent No 4,945,775. Graunke, as described above, fails to teach data including logged data from a pipeline. Adams teaches the collection of pipeline data from oil, gas, or products pipelines to be analyzed at a later time (Adams, column 3 line 63 – column 4 line 46, column 6 lines 19-22). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to collect pipeline data as taught by Adams because it offers the advantage of helping prevent pipeline failures by forecasting integrity changes which then allows corrective measures to be taken prior to a failure (Adams, column 1 lines 11-19).

Conclusion

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L Nalven whose telephone number is 703 305 8407. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703 308 4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Nalven
AN

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